

REMARKS

1. In response to the Office Action mailed December 23, 2008, Applicants respectfully request reconsideration. In Applicants' response filed August 12, 2008, Applicants submitted amendments to claims 1-3, 5, 7-11, 13-24 and new claims 25 through 29. Applicants also submitted remarks associated with those claim amendments, as well as remarks and arguments responsive to the non-final Office Action mailed March 12, 2008.
2. In the outstanding Office Action, which has been made final, it appears that the Examiner failed to address those claim amendments submitted by Applicants on August 12, 2008. In fact, it appears that the Examiner's grounds for the rejections are essentially identical to those in the non-final Office Action of March 12, 2008, despite the fact that Applicants submitted amended the pending claims as identified above.
3. In a telephonic interview on March 3, 2009, Applicants notified the Examiner of this apparent error or oversight. In response, the Examiner stated his unwillingness to withdraw the outstanding Office Action, and instead asked Applicants to submit an explanation or arguments in writing, which Applicants are providing herewith.
4. As the Examiner is aware, the MPEP requires that, “*the examiner shall make a thorough study* thereof and shall make a *thorough investigation* of the available prior art relating to the subject matter of the claimed invention. *The examination shall be complete* with respect both to compliance of the application or patent under reexamination with the applicable statutes and rules and to the patentability of the invention as claimed, as well as with respect to matters of form, unless otherwise indicated. [The applicant] will be notified of the examiner's action. *The reasons for any adverse action or any objection or requirement will be stated* in an Office action and such information or references will be given as may be useful in aiding the applicant, or in the case of a reexamination proceeding the patent owner, to judge the propriety of continuing the prosecution.” (See, MPEP 707; emphasis added.)
5. Applicants assert that the Examiner has not fulfilled the obligations set forth in the MPEP, including MPEP 707 quoted above, because Applicants' claim amendments do not appear to have been “thoroughly” studied and completely examined. Also, available prior art does not

appear to have been “thoroughly [investigated]”, since Applicants’ amended claims, as well as the new claims, do not appear to have been considered. Specifically, the Office Action recites features and claim limitation which appear in the originally filed claims but fails to address features or claim limitations submitted in Applicants’ response filed on August 12, 2008. For example, Applicants’ independent claim 1 recites, in part, “a plurality of testing stations configured to receive and communicably couple to *a first component being of a first type and a second component being of a second type, wherein the first component is not of the second type and the second component is not of the first type*; and at least one testing circuit communicably coupled to said plurality of testing stations and *configured to concurrently apply a test to each of said first and second components* to measure a response of each of said first and second components to said test.” (See, Applicants’ independent claim 1; emphasis added.) Applicants assert that the outstanding Office Action provides no reasons for rejecting Applicants’ claims as amended, including the features highlighted above. Therefore, Applicants submit that the Office Action does not comply with the requirements for a proper Office Action under the MPEP.

6. Accordingly, Applicants submit that the final Office Action mailed December 23, 2008 should not have been issued in its current form and further assert that the Office Action should properly be withdrawn, and a new Office Action issued if it is determined that one is necessary. However, as the Examiner has expressed his unwillingness to withdraw the outstanding Office Action, Applicants respectfully request that a new final Office Action be issued for at least the reasons above.

Conclusion

7. In view of the foregoing, if this application is not already in condition for allowance, Applicants request that a new Office Action be issued.

8. Applicants reserve the right to pursue any cancelled claims or other subject matter disclosed in this application in a continuation or divisional application. Any cancellations and amendments of above claims, therefore, are not to be construed as an admission regarding the patentability of any claims and Applicants reserve the right to pursue such claims in a continuation or divisional application.

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Respectfully submitted,

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